

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Joel Marvin Munt,

Case No. 19-cv-1560 (WMW/BRT)

Plaintiff,

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

v.

Paul Schnell, David Reishus, Sherlinda
Wheeler, Jeff White, Jeanne Michels, Sue
Farmer, and Glenn D. Lisowy,

Defendants.

This matter is before the Court on the January 23, 2020 Report and Recommendation (R&R) of United States Magistrate Judge Becky R. Thorson. (Dkt. 53.) The R&R recommends denying Plaintiff Joel Marvin Munt's motion for a temporary restraining order (TRO). Munt filed timely objections to the R&R and Defendants responded. For the reasons addressed below, the Court overrules Munt's objections and adopts the R&R.

A district court reviews *de novo* any portion of an R&R to which timely objections are filed. 28 U.S.C § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3); LR 72(b)(3); *United States v. Lothridge*, 324 F.3d 599, 600 (8th Cir. 2003). The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Any objections to the R&R must specify the nature of the objection and the grounds for doing so. *Montgomery v. Compass Airlines, LLC*, 98 F. Supp. 3d 1012, 1017 (D. Minn. 2015). Any objection that merely repeats arguments that were

presented to and considered by a magistrate judge is not reviewed *de novo*, but rather is reviewed for clear error. *Id.* In this instance, Munt's objections are not specific to the relevant *Dataphase* factors,¹ nor does he offer any factual or legal basis for his objections. Accordingly, this Court reviews the R&R for clear error. Having carefully performed this review, the Court finds no clear error. For this reason, the Court overrules Munt's objections and adopts the R&R.

ORDER

Based on the R&R, the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. Plaintiff Joel Marvin Munt's objections to the January 23, 2020 R&R, (Dkt. 56), are **OVERRULED**.
2. The January 23, 2020 R&R, (Dkt. 53), is **ADOPTED**.
3. Plaintiff Joel Marvin Munt's motion for a temporary restraining order, (Dkt. 17), is **DENIED**.

Dated: April 2, 2020

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge

¹ See *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 113 (8th Cir. 1981).